

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUADALUPE TORRES,

Plaintiff,

No. CIV S-04-0079 LKK GGH P

vs.

HEMSLEY, et al.,

Defendants.

ORDER

On April 8, 2005, defendants Hemsley and Yolo County filed a summary judgment motion. Plaintiff did not file an opposition. Accordingly, on July 1, 2005, the court recommended that defendants' motion be granted.

On July 7, 2005, plaintiff filed a document explaining why he was unable to file a timely opposition to defendants' motion. On July 11, 2005, plaintiff filed his opposition. Good cause appearing, the court will vacate the July 1, 2005, findings and recommendations and deem defendants' motion submitted on the merits.

Accordingly, IT IS HEREBY ORDERED that:

1. The July 1, 2005, findings and recommendations are vacated;

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2. The summary judgment motion filed April 8, 2005, on behalf of defendants
Hemsley and Yolo County is submitted for decision.

DATED: 7/18/05

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

ggh:kj
torr79.vac